

ORIGINAL

David E. Ross (dross@kasowitz.com)
Brian S. Kaplan (bkaplan@kasowitz.com)
Daniel Turinsky (dturinsky@kasowitz.com)
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
1633 Broadway
New York, New York 10019
(212) 506-1700

Attorneys for Plaintiff
MMC Energy, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------|---|----------------------------|
| -----X | | |
| MMC ENERGY, INC., | : | 08 Civ 4353 (DAB) |
| Plaintiff, | : | |
| vs. | : | NOTICE OF MOTION FOR |
| | : | <u>JUDGMENT BY DEFAULT</u> |
| KARL W. MILLER, | : | |
| Defendant. | : | |
| -----X | | |

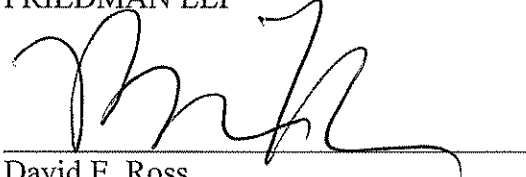
PLEASE TAKE NOTICE that on a date to be determined by the Court, upon the accompanying Affidavit of Brian S. Kaplan, sworn to on July 3, 2008, and the exhibits attached thereto, plaintiff MMC Energy, Inc. will move this Court for an Order, pursuant to Rule 55 of the Federal Rules of Civil Procedure, granting judgment by default on the issue of liability against defendant Karl W. Miller. A Proposed Form of Order is attached.

Dated: New York, New York
July 3, 2008

Respectfully submitted,

KASOWITZ, BENSON, TORRES
& FRIEDMAN LLP

By

A handwritten signature in black ink, appearing to read 'DR', is written over a horizontal line.

David E. Ross
dross@kasowitz.com
Brian S. Kaplan
bkaplan@kasowitz.com
Daniel Turinsky
dturinsky@kasowitz.com
1633 Broadway
New York, NY 10019
(212) 506-1700

Attorneys for Plaintiff MMC Energy, Inc.

David E. Ross (dross@kasowitz.com)
Brian S. Kaplan (bkaplan@kasowitz.com)
Daniel Turinsky (dturinsky@kasowitz.com)
KASOWITZ, BENSON, TORRES & FRIEDMAN LLP
1633 Broadway
New York, New York 10019
(212) 506-1700

Attorneys for Plaintiff
MMC Energy, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------|---|-------------------------|
| -----X | | |
| MMC ENERGY, INC., | : | 08 Civ 4353 (DAB) |
| Plaintiff, | : | |
| vs. | : | ORDER OF |
| | : | <u>DEFAULT JUDGMENT</u> |
| KARL W. MILLER, | : | |
| Defendant. | : | |
| -----X | | |

THIS MATTER having come before this Court upon the motion of plaintiff MMC Energy, Inc., pursuant to Rule 55 of the Federal Rules of Civil Procedure, for a judgment by default on the issue of liability against defendant Karl W. Miller, and the Court having considered the Affidavit of Brian S. Kaplan, and having found that the motion should be granted under the conditions set forth herein, and for good cause shown:

IT IS on this ____ day of _____, 2008 hereby ORDERED that a default judgment be entered on the issue of liability against defendant Karl W. Miller.

SO ORDERED.

Dated: New York, New York
July __, 2008

Deborah A. Batts
United States District Judge